



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

**FEB 24 2016**

8ENF-UFO

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

D. Guy Jarvis, Executive Vice President- Liquids Pipelines  
Enbridge Energy Partners, L.P.  
1100 Louisiana, Suite 3200  
Houston, Texas 77002-5216

Re: Request for Information Pursuant to Section 308(a) of the Clean Water Act,  
33 U.S.C. § 1318(a)

Dear Mr. Jarvis:

The Environmental Protection Agency inspected the Enbridge Berthold Facility on June 5, 2015, and has additional questions regarding that and other facilities owned and/or operated by Enbridge Energy Partners, L.P., or related companies (collectively referred to as Enbridge). During the May 2015 Alexander facility visit and the June 2015 Berthold facility inspection, EPA inspectors had conversations with Enbridge representatives regarding these and other facilities owned and/or operated by Enbridge in North Dakota and the need for Spill Prevention Control and Countermeasure (SPCC) and Facility Response plans (FRP) plans. The EPA is requesting information regarding the Enbridge facilities located in or near Alexander, Berthold, Grenora, Little Muddy, Reserve, Stanley, and Trenton, North Dakota with regard to the regulations promulgated at 40 C.F.R. Part 112 governing non-transportation related facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to their location, could reasonably be expected to discharge oil in quantities that may be harmful, as described in 40 C.F.R. Part 110. Our information indicates that the facilities referenced above are potentially subject to SPCC and/or Facility Response Plan (FRP) requirements. Pursuant to Section 308 of the Clean Water Act (Act), 33 U.S.C. § 1318, the EPA has the authority to request information pertinent to carrying out its responsibilities under the Act.

To assist the EPA in determining whether the facilities referenced above are subject to SPCC and/or FRP requirements, the EPA is requesting, pursuant to the above-referenced statutory authority, that you respond to the enclosed Request for Information (RFI). Please answer each question on the enclosure for each Facility, as defined in the Definitions. Please answer each question in the enclosure, including subparts of questions. The *RFI Statement of Certification* must be signed by a duly authorized official of Enbridge.

Although your response to the information request is mandatory, you may be entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B.

Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you. Section 309 of the Act, 33 U.S.C. § 1319, provides for administrative and civil penalties of up to \$37,500 per day of violation for failure to comply with this RFI. Please be further advised that the submission of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This RFI is exempt from the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

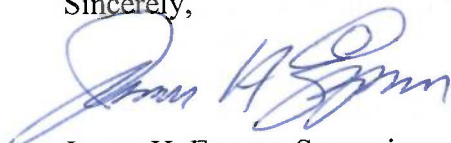
A Small Business Regulatory Enforcement Fairness Act (SBREFA) information sheet setting forth resources and tools available to small businesses, is enclosed with this letter. SBREFA does not eliminate your responsibility to comply with the Clean Water Act or respond to this RFI, nor does it create any new rights or defenses under law.

Your response to the RFI must be submitted within thirty (30) days of receipt of this letter to:

U.S. Environmental Protection Agency Region 8  
Donna K. Inman (8ENF-UFO)  
1595 Wynkoop Street  
Denver, CO 80202-1129

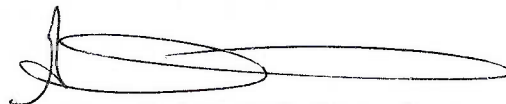
Ms. Inman can assist you with any questions regarding this RFI; she may be reached at (303) 312-6201. An electronic version of the RFI is available upon request. Please contact Ms. Inman at the above number or email her at [inman.donnak@epa.gov](mailto:inman.donnak@epa.gov) with your email address if you would like it sent to you. Inquiries of a legal nature should be directed to Sheldon Muller, Senior Attorney, at (303) 312-6916.

Sincerely,



James H. Eppers, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Sincerely,



Gwenette C. Campbell, Supervisor  
Water Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures

1. Request for Information
2. Statement of Certification Form
3. Instructions and Definitions
4. Small Business Resources Information Sheet

## REQUEST FOR INFORMATION

This information is requested pursuant to Section 308 of the Clean Water Act, as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1318(a). This Request for Information (RFI) is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3507.

*Instructions: Instructions are included in the instructions portion of this RFI. Terms in boldface are defined in the definitions portion of this RFI.*

1. List **your** name, address, phone number, and title and relationship to the **owner** or **operator** of the **Facility**.
2. **Identify** details on the location of the **Facility**:
  - a. Give the latitude, longitude, datum, county and state.
  - b. Give the street address and city, if applicable.
  - c. Give the township, range, quarter-sections and fractions for rural areas.
  - d. **Describe** the location of the **Facility**, including a description of the surrounding area and its use (e.g., agriculture, ranching, recreation, commerce, residential, etc.).
3. **Identify**, and provide the Dun & Bradstreet number for, the current **owner(s)** of the **Facility**. Also, **identify** the parent corporation (if any) and all **owners** of the business for the last two years.
4. State what type of business unit (i.e., corporation, partnership, limited liability company, etc.) is the **owner** and/or **operator** of the **Facility**.
  - a. When was the business incorporated or organized? When did the business first begin operating the **Facility**?
  - b. In what state was the business first incorporated or organized, and in what state(s) is it authorized to do business? Provide copies of all **documents** filed with the state where the business was incorporated or organized since the time of incorporation or organization until today, and all **documents** filed for that same time period with the North Dakota Secretary of State's Office.
  - c. If the business is a corporation, **identify** all corporate officials listed with the state in which the company was incorporated, and with the State of North Dakota. If the business is a limited liability company, **identify** all members and managing members/mangers listed with the state in which the limited liability company was organized, and with the State of North Dakota.

5. **Identify the operator** of the **Facility**, if different from the **owner**. **Describe** the relationship between the **owner** and **operator** (i.e., employee, subcontractor, lessee, etc.).
6. State when the **Facility** began operating.
  - a. If **you** are not the original **owner** of the **Facility**, also state when **your** company purchased the **Facility**.
7. Provide copies of the **Facility's** most recent certified SPCC plan and FRP, including all amendments and attachments, in an electronically editable format.
  - a. Does the most recent certified plan represent the current configuration and operation of the **Facility**? If not, **describe** what has changed.
8. **Bulk storage containers.** List and **describe** all aboveground and underground tanks and storage containers at the **Facility**, including mobile or portable containers, except for those tanks identified as exempt in 40 C.F.R. § 112.1(d)(2)(ii). Include the following in the description:
  - a. Tank identifier (e.g., name)
  - b. Tank capacity with units
  - c. Tank location (e.g., aboveground or underground)
  - d. Tank description (e.g., permanent, mobile/portable)
  - e. Tank uses (e.g., storage, **breakout**, how connected/filled, type of **oil**/material contained)
  - f. How it is determined whether the flow of **oil** from any pipeline that can flow to the tank will be directed to that tank, including a detailed description of all criteria that are considered in that determination.
  - g. If it is **your** belief that the tank is not subject to regulation by the EPA, explain in detail the basis for that belief.
  - h. Tank trucks and/or railroad cars operating in a fixed non-transportation mode or within the confines of the **facility**. **Describe** uses in detail.
  - i. Whether the total **oil** storage capacity has changed during the time the current **owner** and **operator** have owned or operated the **Facility**. Is so, **describe** how it has changed and when the change occurred.
9. **Pipelines.** List and **describe** all pipelines (inter- and intra-facility), overflow and/or equalization piping, including temporary pipelines, for those pipelines located in, at, or near the **Facility**. Include the following in the description:
  - a. Pipeline identifier (e.g., name)
  - b. Pipeline flow rate with units
  - c. Pipeline location (above ground, belowground)

- d. Pipeline description
    - i. Purpose of pipeline
    - ii. Description of origin and destination
    - iii. Direction of flow (primary and potential)
    - iv. Diameter of pipeline, include units
    - v. Distance or length of pipeline between origin and destination, include units
  - e. If the pipeline is temporary, **describe** when and why it is used
  - f. If it is **your** belief that all or any portion of the pipeline is not subject to regulation by the EPA, explain in detail the basis for that belief.
10. Manifolds.
- a. List and **describe** all transfer manifolds between tanks and pipelines, including direction of flow and potential direction of flow.
  - b. **Describe** how it is determined that the flow of **oil** from any tank or pipeline will flow to a different tank or pipeline, including a detailed description of all criteria that are considered in that determination.
11. Provide, in an electronically editable format, a current **Facility** schematic including the following:
- a. All **bulk storage containers** including aboveground and underground tanks and storage containers at the **Facility** with identifiers (e.g., name), including mobile or portable containers, but excluding those identified as exempt in 40 C.F.R. § 112.1(d)(2)(ii).
  - b. All meters, valves, pumps, isolation flanges, overflow and/or equalization piping, and pipelines (inter- and intra-facility pipelines), including direction of flow and potential direction of flow.
  - c. The agency(ies) (e.g., EPA, USDOT, DOI, etc.) by which **you** believe that the tank or pipeline is subject to regulation.
  - d. All areas that are used to transfer **oil** in bulk to or from highway vehicles and/or railroad cars.
  - e. All areas owned and/or operated by others (**identify the owner and operator**).
  - f. Drainage pathways.
  - g. Property boundaries.
12. **Identify** all areas (e.g., LACTS, tanks) within the property boundaries of the **Facility** that are owned and/or operated by another entity. For each such area, provide the following:
- a. **Identify the owner** of the area
  - b. **Identify the operator** of the area
  - c. **Describe** the arrangement between Enbridge and the **owner** and **operator** of the area with respect to who is responsible for compliance with SPCC and FRP

requirements, including responding to discharges from infrastructure in the area, providing secondary containment, etc., and provide a copy of the agreement, contract, or other **documents** that document or otherwise **describe** the arrangement.

13. List and **describe** any adjacent or offsite facilities outside of **Facility** property boundaries, including those not owned by Enbridge, that manage/handle crude **oil** within a five mile radius and are connected to the **Facility**. Include any pipelines. Indicate if there are any loading/unloading activities occurring at these adjacent/offsite facilities. For each such **facility**, provide the following:
  - a. **Identify** the **owner** of the area
  - b. **Identify** the **operator** of the area
  - c. **Describe** the arrangement between Enbridge and the **owner** and **operator** of the area with respect to who is responsible for compliance with SPCC and FRP requirements, including responding to discharges from infrastructure in the area, providing secondary containment, etc., and provide a copy of the agreement, contract, or other **documents** that document or otherwise **describe** the arrangement.
14. **Describe** all activities at the **Facility** where **oil** is transferred to or from tanker trucks, railcars, vehicles, or any type of rolling stock.
15. **Describe** any situations in which trucks or rail cars containing **oil** may be parked and/or stored within **Facility** property boundaries.
  - a. What conditions lead to the trucks or rail cars being parked/stored?
  - b. How long are the trucks or rail cars parked/stored containing **oil**?
  - c. **Describe** and provide any standard operating procedures for these situations.
16. State the distance to the nearest water body (which may include, but are not limited to, rivers, creeks, intermittent streams, ditches, ponds, lakes, reservoirs, gullies, mudflats, tributaries, arroyos, etc.), and/or to any wetlands, marshes or sewers. State the name of this water.
17. List all downstream and downgradient receiving water bodies and the distances to each. Provide the following information about the downstream water bodies.
  - a. Distance to perennial stream(s).
  - b. Distance to navigable in fact water(s).
  - c. Flow data, including average and peak volumes.

- d. Evidence of ordinary high water mark.
  - e. Adjacent wetlands.
  - f. Visible connections between wetland and other water bodies.
  - g. Wetland and stream functions and uses.
  - h. Impaired water status.
18. Provide information on sensitive environments, wildlife habitats or refuges, endangered species, water wells, or drinking water intakes in the area. List them and state their location and distance from the **facility**.
19. List and describe any **discharges** from the **Facility** in the last five years in violation of section 311(b)(3) of the Clean Water Act, 33 U.S.C. § 1321(b)(3). **Your** description must include, at a minimum:
- a) Date of the **discharge**; the duration of the **discharge**.
  - b) Material(s) discharged.
  - c) Amount of material(s) discharged.
  - d) Name and/or other description of the waters of the United States, or other water bodies, or the adjoining shorelines of those waters or other water bodies, into or upon which the material was discharged.
  - e) Distance that the discharged material traveled.
  - f) Any impacts, or threatened impacts, to public health or welfare, or to the environment, as a result of the **discharge**.
  - g) **Facility's** response to the **discharge**.
  - h) Provide all **documents** related to the **discharges**.

**REQUEST FOR INFORMATION  
STATEMENT OF CERTIFICATION**

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

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Signature

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Date

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Name

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Title



## **Instructions**

1. Please answer the following questions for each of the **Facilities**.
2. Provide a separate narrative response to each and every question and subpart of a question set forth in this Request for Information (RFI).
3. Precede each answer with the number of the question to which it corresponds.
4. If the question is not applicable to the incident, please indicate N/A and state why the question is not applicable.
5. If information or documents not known or not available to you as of the date of submission of a response to this RFI should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
6. For each document produced in response to this RFI, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
7. The terms “and” and “or” shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this RFI any information which might otherwise be construed to be outside its scope.
8. All questions asked in the past tense should be interpreted to apply to the present as well as the past.
9. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate, in the context of a particular question or questions.
10. The Statement of Certification must be signed by a responsible official of the owner or operator.
11. If you wish to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2 covering any portion of the information submitted, you must assert such claim at the time you submit your response. You may assert such claim by including a stamped or typed notice employing language such as “Company Confidential,” “Trade Secret,” “Proprietary,” etc. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B.

## Definitions

The following definitions shall apply to the following words as they appear in the questions:

1. The term “**breakout tank**” means a container used to relieve surges in an oil pipeline system or to receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.
2. The term “**bulk storage container**” means any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce.
3. The terms “**you**,” “**your**” or “**Respondent**” shall mean the addressee of this RFI, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
4. The term “**describe**” shall mean provide in detail all information you are aware of that may relate in any way to the information, **person**, or document referenced.
5. The terms “**document**” and “**documents**” shall mean any writing, recording, or stored information, and includes, but is not limited to, writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration, and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, fax, email, report, notice, message, analysis, comparison, graph, chart, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and, (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
6. The term “**discharge**” includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA.

7. The term “**Facility**” means the **facilities owned** and/or **operated** by Enbridge Energy Partners, L.P., or related companies, located in or near Alexander, Berthold, Genora, Little Muddy, Reserve, Stanley, and Trenton, North Dakota.
8. The term “**facility**” means any mobile or fixed, onshore or offshore building, property, parcel, lease, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and oil waste treatment, or in which oil is used. The boundaries of a facility depend on several site-specific factors, including but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and types of activity at the site. Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same **person** may be considered separate facilities.
9. The term “**identify**” means, **with respect to a natural person**, to set forth the **person’s** name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
10. The term “**identify**” means, **with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship)**, to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
11. The term “**identify**” means, **with respect to a document**, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the author and recipient(s), and to **describe** the substance or the subject matter.
12. The term “**oil**” means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.
13. The terms “**owner**” and “**operator**” mean any **person** owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the **person** who owned or operated or maintained the facility immediately prior to such abandonment.
14. The term “**person**” includes an individual, firm, corporation, association, or partnership.
15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Act, 33 U.S.C. §§ 1321, et seq., or the regulations found at 40 C.F.R. Parts 110 and 112, in which case the statutory or regulatory definitions shall apply.



## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### Small Business Programs

[www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)  
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

### EPA's Asbestos Small Business Ombudsman

[www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888  
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

### EPA's Compliance Assistance Homepage

[www2.epa.gov/compliance](http://www2.epa.gov/compliance)  
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

### EPA's Compliance Assistance Centers

[www.assistancecenters.net](http://www.assistancecenters.net)  
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

### Agriculture

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

**Automotive Service and Repair**  
[ccar-greenlink.org/](http://ccar-greenlink.org/) or 1-888-GRN-LINK

**Chemical Manufacturing**  
[www.chemalliance.org](http://www.chemalliance.org)

**Construction**  
[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

**Education**  
[www.campuserc.org](http://www.campuserc.org)

**Food Processing**  
[www.fpeac.org](http://www.fpeac.org)

**Healthcare**  
[www.hercenter.org](http://www.hercenter.org)

**Local Government**  
[www.lgean.org](http://www.lgean.org)

**Metal Finishing**  
[www.nmfrc.org](http://www.nmfrc.org)

**Paints and Coatings**  
[www.paintcenter.org](http://www.paintcenter.org)

**Printing**  
[www.pneac.org](http://www.pneac.org)

**Ports**  
[www.portcompliance.org](http://www.portcompliance.org)

**Transportation**  
[www.tercenter.org](http://www.tercenter.org)

**U.S. Border Compliance and Import/Export Issues**  
[www.bordercenter.org](http://www.bordercenter.org)

### EPA Hotlines, Helplines and Clearinghouses

[www2.epa.gov/home/epa-hotlines](http://www2.epa.gov/home/epa-hotlines)  
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

**Clean Air Technology Center (CATC) Info-line**  
[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

**Superfund, TRI, EPCRA, RMP and Oil Information Center**  
[www.epa.gov/superfund/contacts/infocenter/index.htm](http://www.epa.gov/superfund/contacts/infocenter/index.htm) or 1-800-424-9346

**EPA Imported Vehicles and Engines Public Helpline**  
[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or 734-214-4100

**National Pesticide Information Center**  
[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

**National Response Center Hotline** to report oil and hazardous substance spills - [www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

**Pollution Prevention Information Clearinghouse (PPIC)** - [www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or 1-202-566-0799

**Safe Drinking Water Hotline** - [www.epa.gov/drink/hotline/index.cfm](http://www.epa.gov/drink/hotline/index.cfm) or 1-800-426-4791

### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone/comments.htm](http://www.epa.gov/ozone/comments.htm) or 1-800-296-1996

### Toxic Substances Control Act (TSCA) Hotline

[tsc hotline@epa.gov](mailto:tsc hotline@epa.gov) or 1-202-554-1404

### Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>  
EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

### Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>  
The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

### State Resource Locators

[www.envcap.org/statetools](http://www.envcap.org/statetools)  
The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

### State Small Business Environmental Assistance Programs (SBEAPs)

[www.epa.gov/sbo/507program.htm](http://www.epa.gov/sbo/507program.htm)  
State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

### EPA's Tribal Portal

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)  
The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

### EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

### EPA's Small Business Compliance Policy

[www2.epa.gov/enforcement/small-businesses-and-enforcement](http://www2.epa.gov/enforcement/small-businesses-and-enforcement)  
This Policy offers small businesses special incentives to come into compliance voluntarily.

### EPA's Audit Policy

[www2.epa.gov/compliance/epas-audit-policy](http://www2.epa.gov/compliance/epas-audit-policy)  
The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*